

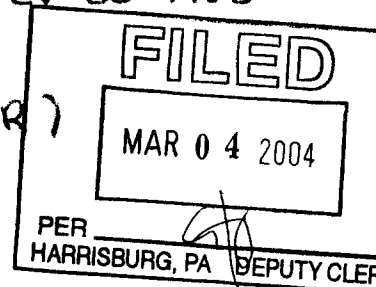
IN the United States District Court
For the middle District Court of PennsylvaniaWM Branch
Plaintiff

vs.

MR Russian et. al,
Defendants

• Civil Action No. 1: CV-00-1728

• (Judge Conner)

Brief in Support of
motion to Reconsider allowance of Supplemental
Pleading

If it Please's this most august Court
inmate CF3756 WM Branch Beseeching this
esteem Tribune to GRANT Plaintiff motion for
Reconsideration of allowance of Supplemental
Pleading Per Fed. Rules of Civil Procedure 15(d)
for the Reasons stated below

1. amended Complaints and Supplemental Pleading
should be liberally Granted
2. Pleadings by Pro Se are to be liberally Read
3. Before ~~denying~~ denying a motion due notice
are to be Given to Pro Se Pleadings Per
Rule 11 an unsigned paper shall be stricken
unless omission of signature is corrected promptly
after being called ~~to~~ to the attention of the Attorney
OR Party
4. I moved for the allowance of amended complaint
* Two weeks before ~~at~~ a trial date was
set and before Defendants moved for
Summary Judgement was maid.

Brief in support of motion to Reconsider
allowance of Supplemental Pleading

Forman vs. Davis 371 US 171, 181-82, 83 S.Ct. 227, 229-30, 9 L.ed 2d 222 (1962)

The Rule governing amendments and Supplemental Pleadings are Generally Liberally construed in favor of permitting such Pleading, consistent with the Goal of ~~ens~~ [E]nsuring that all Related claims are litigated in a single action

followed by adam vs Gould 739 F2d 858, 864 (3 Cir 1985) cert denied 469 US 1122, 105 Sct 806, 83 L.ed 2d 799 (1985) Perfect Plastics Industries v. Cars and Concepts 758 F Supp 1080, 1081 (W.D. Pa. 1991)

Skehan vs. Bd of trustee of Bloom Burg State Col. 590 f2d 470 at 492 (3rd Cir 1978) citing: Forman vs. Davis 371 US 178, 182, 83 Sct 227, 9 L.ed 2d 222 (1962)

Bronze Shield Inc. vs. NJ Dept of Civil Service 667 F2d 1086 following: Forman vs. Davis 371 US 178, 182 : Summary Judgement must be Reversed in light of facts that complaint with affidavit

The Courts intentions are clear, that Supplemental Pleading and complaints amended are to be liberally Granted, This was not done in my case.

The court denied my motions and failed to instruct me as to how I (being Pro se) could correct my motion.

The Court Docket will also show that I filed for

③
Brief in support of motion to Reconsider
allowance of Supplemental Pleading

Supplemental Pleading and amended Complaint
 Starting in September and even before the Defendants
 for Summary Judgement 12-31-03.

I filed Dec. 12-5-03 motion for Supplemental Pleading

Dec. 12-17-03 Brief in support of motion for
 Supplemental Pleading

Nov. ~~13~~. 11-25-03 motion to amend complaint

~~Sept 9-17-03~~ motion to amend complaint

Dec. 12-24-02 " " " "

Before these motion were dismiss I Respectfully
 Believe the Court should have let me know I was
 in ERROR and allowed to CORRECT and supply the
 Court with need information.

as Rule 15(d) is designed to Add defendants and
 Setting forth transactions, or occurrences, or
 events, which have happen since the Date of Pleading
 sought to be Supplemented.

Based upon the Supreme Court of the United States
 I Should have been Granted amended Complaint and
 Supplemental Pleading Long Before Defendants filed
 a motion for Summary Judgement, So all Related
 claims are Litigated in a single action i.e Forman vs
Davis.

as the Court ERRED in not allowing me amendment
 of complaint or Supplemental Pleading the Relief I am
 asking should be Granting

BRIEF in support of motion to Reconsider
allowance of Supplemental Pleading

The Defense Attorney will not be Prejudiced because Both events and occurrences will be dealt with now as appose to another 42 § 1983 complaint,

in fact as I write this motion many occurrences and Events have already taken place, I have been made to cut my Religious Based hair, I Reported C/o GOWAT for not allowing me to shower before I go to church the Supt. Collieran made MR Friedman and C/o GOWAT Post the correct time for showers and to take down the incorrect sign they posted

C/o GOWAT and MR Friedman forced me to cut my hair or go be put in the H.U./hole in Retaliation for my Exercising my 1 Amend. Rights To Petition the Government for Redress Freedom of speech and the Free exercise of ~~Right~~ Religion. Woods Vs. Smith 60 F3d 1161 (5 CIR 1995)

[6] Prison Law Key 4(10.1), 13(4)

Prison officials may not Retaliate against or harass inmates for Exercising Right of access to courts or For Complaining to Supervisor about guards Misconducts

[8] civil Law Key 135 Prison disciplinary action motivated by Retaliation for Prisoner's exercising of constitutional Protected Right is actionable even if act; when Taken for different Reason, might be Legitimate C/o GOWAT and MR Friedman conspired to Retaliate against me the Causal "Link" is the suggestive temporal Proximity

BRIEF in support of motion to Reconsider
allowance of Supplemental Pleading

When I informed MR Friedman that he was not allowed to order me to cut my hair Per Doc Policy 819-3 Pg 8 he Replied what are we suppose to wait while this matter drags its way thru the Courts!

The Courts must protect me and all person who stand Before it seeking Relief.

Brooks vs Andolina 826 F.2d 1266 (3d Cir 1987)
 Inmate who was sentence disciplinary proceeding To 30 days punitive Segregation for writing Letter complaining that female Guard had searched his visitor in a very Seductive manner brought § 1983 action against Prison officials.

Court of appeals held: disciplinary action Taken against inmate violated his first amend, Fourteenth amend Rights.

also I have filed Grievances on C/O Gouat and the Supt. has not answered me nor assigned a Grievance Number to my Grievance to change Doc Policy 819-3 Pg 8 OR C/O Gouat Grievance. They think the court is Blinded by ^{Summary} Judgement

Therefore I Respectfully ask this most nable and esteem Tribune to Grant this motion

Proof of Service

SPAG Ms Mosley Strawberry Sq 15 Fl Harrisburg Pa 17120

Unsworn Declaration

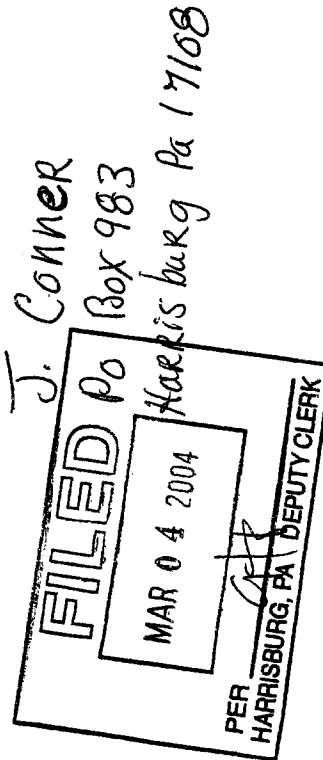
I affirm under Penalty of the Law that the above is True.

Date 2-29-04

William Branch PF 3756
 At Box 256 Waymart Pa. 168472

Name & No. CF3756 Branch
P.O. Box 256
Waymart, PA 18472-0256

INMATE MAIL
PA DEPARTMENT OF CORRECTIONS



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